REMARKS

Claims 1-20 are pending in the application. Independent claims 1, 5, 12 and 20 have been amended; no new matter has been added. Support for these amendments can be found at least in the specification in page 2, lines 30-22.

Claims 1-20 stand rejected under 35 USC 103(a) as being unpatentable by Ficco et al. (USP 6,868,292, hereinafter "Ficco") in view of Asghar et al (USP 6,218,931 B1). Independent claims 1, 5, 12 and 20 have been amended to recite the limitations of: "said first documents reflect a status of the plurality of application devices."

Applicant can find nothing in Ficco that teaches the limitations of: "retrieve first documents from a first set of application devices, *said first documents reflecting the status of the first set of application devices*;"

Still further, applicant can find nothing in Ficco that teaches the limitations of: "A method of controlling *a plurality of application devices* the method comprising the steps of: ...generating second documents by the server, each comprising at least one instruction, on the basis of at least a part of the retrieved identification of the user and at least a part of the first documents."

The Office Action indicates the above limitation is shown in Ficco in col. 16, lines 1-4. Applicant respectfully disagrees. Ficco in this section teaches:

> stream. Transmitter **910** may also include a high-frequency oscillator that generates a carrier wave, and a high-frequency mixer that modulates the carrier with the baseband signal to generate a narrowband transmit signal. A spreading-code

Nothing therein teaches or implies "generating second documents by the server, each comprising at least one instruction, on the basis of at least a part of the retrieved identification of the user and at least a part of the first documents." Ficco simply teaches a transmitter with an oscillator. There is no recognition in Ficco of using "at least a part of the retrieved identification of the user and at least a part of the first documents" to generate other documents.

The Office Action further indicates the limitation of "sending at least one of the second documents to each device of a second set of the application devices by the server" is shown in Ficco in col. 16, lines 14-26. Applicant respectfully disagrees. Ficco in this section teaches:

> A receiver in the network interface **920** receives a wideband communications signal from the network **900**. In one embodiment, the network interface is a residential wiring grid, and the receiver includes a wiring interface (not shown). The receiver wiring interface provides the wideband signal to a despreading mixer (not shown in FIG. **10**) that recovers a narrowband signal using a locally-generated spreading code. A detector unit demodulates the narrowband signal to recover the received data. The network interface **920** may be incorporated in a wall socket or in a light switch. Alternatively, the network interface **920** may be included in the device or inserted between the device and the residential electrical wiring.

Nothing therein teaches or implies "sending at least one of the second documents *to each device of a second set of the application devices* by the server." Ficco simply

teaches a receiver receiving a wide band communication signal. Where is the second set

of application devices? Where are the second documents? There is no recognition in

Ficco of a first or second set of application devices.

The Office Action further indicates that claim 6 is shown in Ficco in col. 16, lines

4-6. Applicant respectfully disagrees. Claim 6 recites: "A system, according to claim 5,

wherein the server is further enabled to retrieve user profile information based on the user

identification and context profile information relating to surroundings of the user." Ficco

in the above section teaches:

> generate a narrowband transmit signal. A spreading-code
> generator in the transmitter **910** generates a spreading code
> that identifies the designated device **915**. A spreading mixer

Nothing therein teaches or implies "wherein the server is further enabled to retrieve

user profile information based on the user identification and context profile information

relating to surroundings of the user." Ficco simply teaches a spreading-code generator.

There is no recognition in Ficco of using a user's profile information based on the user

identification and context profile information relating to surroundings of the user, as

claimed.

The Office Action further indicates that claim 13, is shown in Ficco in col. 15,

lines 8-12. Applicant respectfully disagrees. Claim 13 recites: "The system of claim 12,

wherein the server is configured to retrieve the identification of the user by: retrieving

user profile information based on the user identification; and retrieving context profile

information relating to surroundings of the user." Ficco in the above section teaches:

310 displays available home network services (servers) at display **370**, and matches capabilities and selections to facilitate sensible and easy selection, thus simplifying use of the home network to execute a script that may be tailored in an ATVEF content specification format for example. Thus,

Nothing therein teaches or implies "to retrieve the identification of the user by: retrieving user profile information based on the user identification; and retrieving context profile information relating to surroundings of the user." Ficco simply teaches a home network to execute tailored scripted in an ATVEF format. There is no recognition in Ficco of retrieving the identification of the user by: retrieving user profile information based on the user identification; and retrieving context profile information relating to surroundings of the user, as claimed.

Independent claim 20 had been amended in the previous response to recite the limitations of: "wherein said one instruction includes instruction for changing parameters and/or settings of the particular device to reflect a setting of the user." Although claim 20 was listed as be rejected in the Office Action Summary, there was no mention of the above limitation in the Detailed Action. Accordingly, applicant submits the Final Office Action fails to satisfy 37 CFR 1.104, because the Final Office Action fails to indicate how the claim is being rejected.

In determining the sufficiency of an Office Action rejection:

> [T]he PTO carries it procedural burden of establishing a prima facie case when it rejection satisfies 35 U.S.C 132, in "notify[ing] the applicant... [by] stating the reasons for [its] rejection, or objection or requirement, together with such information and references as may be

useful in judging of the propriety of continuing the prosecution off [the] application." That section "is violated when a rejection is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection."

In re Jung, 98 USPQ2d 1174, 1177 (Fed. Cir. 2011) (citations omitted) (alterations in original). Applicant submits that the Final Office Action has failed to satisfy this test.

Applicant respectfully requests reconsideration, in particular, that the Examiner should withdraw the rejection or issue a new office action, which specifically addresses claim 20.

With respect to each of the independent claims discussed above, the addition of Asghar fails to cure the infirmities of Ficco.

Because Ficco and Asghar fail to teach each of the elements of each of the Applicant's independent claims 1, 5, 12 and 20, as amended, Applicant respectfully maintains that the rejection of claims 1-20 under 35 U.S.C. 103(a) over Ficco cannot be maintained. Applicant respectfully submits that claims 1, 5, 12 and 20, as amended, are allowable.

With regard to claims 2-4, 6-11 and 13-19 these claims depend from an independent claim discussed above, which have been shown to be allowable in view of

the cited reference. Accordingly, each of claims 2-4, 6-11 and 13-19 are also allowable by virtue of its dependence from an allowable base claim.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

_____/Thomas J. Onka/_____

Date: June 29, 2011

By: Thomas J. Onka
Attorney for Applicant
Registration No. 42,053

Mail all correspondence to:

Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615